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## Strategic Insights: Should China Be Given the Benefit of the Doubt?

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October 17, 2014 | Dr. David Lai

The South China Sea territorial dispute is a protracted and complicated problem. Recently, it has become an even more contentious issue between the United States and China. At the center of this disagreement is China's massive territorial claims and its persistent approach to dealing with the disputes in bilateral and diplomatic ways.

Historically, the United States has not accepted China's territorial claims nor its approach to attempt to solve the problem. However, for a long time the United States refrained from directly challenging China concerning these issues. This U.S. policy was changed by Secretary of State Hillary Clinton when she presented her three-point program at the Association of Southeast Asian Nations (ASEAN) Regional Forum in July 2010 concerning China's dispute resolution process. Clinton stated that the United States: 1) has a **national interest** in the South China Sea; 2) supports a **collaborative process** by all of the claimants (versus China's bilateral approach) for resolving the various territorial disputes without coercion; and, 3) urges the claimants to pursue their territorial claims **in accordance with international law** (as opposed to China's bilateral diplomatic negotiation).<sup>1</sup>

Subsequently, the United States deviated from its historical policy and challenged China's territorial claim. The Assistant Secretary of State for East Asian and Pacific Affairs, Daniel Russel, testified in Congress in February 2014 that the United States questioned the legality and scope of China's claim and asked China to clarify its "9-dash" line around the South China Sea.<sup>2</sup> Secretary of State John Kerry raised this issue again during his meetings with Chinese leaders at the annual U.S.-China Strategic and Economic Dialogue in Beijing in July 2014.<sup>3</sup>

China called the U.S. comments blatantly intrusive, culturally ignorant, and counterproductive. At the same time, China asked the United States to stay away from the South China Sea dispute and let China handle the negotiations with other disputants without outside interference. Chinese officials contend that China has the wisdom and skill to settle the disputes fairly.<sup>4</sup> They also point to the fact that China has a good record of doing so with its different neighbors concerning other territorial disputes.

The Chinese objections have raised a captivating question: Should the United States, the other disputants of the South China Sea territories, and “the international community” (Assistant Secretary of State Daniel Russel’s term), give China a chance? Many in the United States would presumably say “no.” However, this author suggests that we should say “yes” for at least two good reasons. First, China’s territorial claim on the South China Sea is negotiable, pure and simple. By many accounts, China’s 9-dash line around the South China Sea should be viewed as China’s bargaining perimeters rather than its actual belief of its borders at sea. Second, since it is negotiable, it is better to let China and its neighbors settle this dispute. Indeed, all of China’s other territorial disputes have been settled this way. The United States is concerned that China may coerce its small neighbors into accepting unequal terms. However, historically this has not been the case, China has a track record of settling territorial disputes fairly.

China has the largest number of neighboring states than any other nation in the world, 14 of them directly touching China. For centuries, China never had well-defined borders with its neighbors and consequently had many border conflicts, some of which were deadly. However, to date, China has settled all of its recent land border disputes except the ones with India and Bhutan. All of the settlements were reached amicably. MIT Professor M. Taylor Fravel has provided support for these Chinese negotiations in his book, *Strong Borders, Secure Nation: Cooperation and Conflict in China’s Territorial Disputes*, by far the most comprehensive study on China’s territorial disputes. Fravel reports that in settling the disputes, China has shown remarkable flexibility and willingness to compromise; and in fact, on average, China got less than half of the disputed territories, with a total loss of about 1.3 million square miles of land.<sup>5</sup>

Of particular interest is the China-Vietnam dispute. The two nations completely settled and demarcated their land borders in 2009. In addition, they have also divided the Gulf of Tonkin in half. The dividing line has become China’s first sea border. Finally, the two nations have initiated negotiations concerning their disputes in the South China Sea. Although they exchanged blows

over a Chinese oil rig in May 2014, the two governments have resumed working relations and reassured each other that they will continue to work for a peaceful solution to the territorial disputes.

Perhaps we should give China the benefit of the doubt and allow them to amicably settle their remaining off-shore territorial disputes.

## ENDNOTES

1. Remarks by Secretary of State Hillary Rodham Clinton at the ASEAN Regional Forum, National Convention Center, Hanoi, Vietnam, July 23, 2010.
2. Testimony of Assistant Secretary of State for East Asian and Pacific Affairs Daniel Russel before the House Committee on Foreign Affairs Subcommittee on Asia and the Pacific, Washington, DC, February 5, 2014.
3. Jo Biddle, "U.S. Official: Beijing's South China Sea Claim 'Problematic,'" *Agence France-Presse*, July 8, 2014.
4. Chinese Premier Wen Jiabao made this point at the 15th China-ASEAN Summit, Phnom Penh, Cambodia, November 19, 2012. See "Wisdom' Will Help Solve Sea Disputes," *China Daily*, November 20, 2012. The Chinese government has upheld this position. See Chinese Foreign Ministry, "Sticking to Four Respects on the South China Sea Issue," Speech by Foreign Minister Wang Yi to the China-Australia Diplomatic and Strategic Dialogue, Sydney, Australia, September 7, 2014.
5. M. Taylor Fravel, *Strong Borders, Secure Nation: Cooperation and Conflict in China's Territorial Disputes*, Princeton, NJ: Princeton University Press, 2008.

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